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must be alleged and shown. But the common law rule has been greatly modified in many of our states, and words spoken imputing a want of chastity are actionable, *per se,* on the ground that such words tend to hinder her advancement in life, by degrading her in the eyes of respectable people, *Cleveland v. Deitweiler,* 18 Ia. 299. And some of the states have modified the common law rule by statute, making words, implying a want of chastity, actionable *per se. Newman v. Stein,* 75 Mich. 402; *Mason v. Stratton,* 1 N. Y. Supp. 511; *Seller v. Jenkins,* 97 Ind. 430.

TRADE-MARKS—UNFAIR COMPETITION—INJUNCTION—BANZHAF ET AL. V. CHASE, 88 PAC. 704 (CAL.). Without regard to whether plaintiffs have, or can have, a trade-mark in the words "Old Homestead," stamped on bread manufactured by them, the stamping into bread manufactured by the defendants of the words "New Homestead," in letters and words of the same size, style, and arrangement, being for the purpose, and with the result of, appropriating plaintiff's trade, *held* that, the defendant will be enjoined, on the ground of fraud.

The general rule of law applicable to this case is that, where a manufacturer has applied a peculiar and distinctive label to designate his goods, and has so used it that his goods are designated by it, a court of equity will restrain another party from adopting and using one so similar that its use is likely to confusion by purchasers exercising the ordinary degree of caution which purchasers are in the habit of exercising with respect to such goods. *Anheuser-Busch Brewing Ass'n. v. Clark,* 26 Fed. 410. Although plaintiff cannot acquire the exclusive right to use the word "American" as descriptive of beer, yet it is entitled to an injunction where an imitation of its signs, bearing that word conspicuously, so closely resembles theirs in size and colored lettering as to deceive the public. *American Brewing Co. v. St. Louis Brewing Co.,* 47 Mo. App. 14. Where the plaintiff has for a number of years used the word "Portland" to distinguish his stoves from others on the market, a rival dealer will be restrained from advertising and selling a different stove as the "Famous Portland," *Van Horn v. Coogan,* 52 N. J. Eq. 380. In order to constitute an infringement it is not necessary that the imitation should be exact. It is sufficient that there is such a substantial similarity that the public would be deceived. *Cooley on Torts,* (3 Ed.) 732.

TRUSTS—DEPOSITS IN BANKS—DEATH OF BENEFICIARIES—EFFECT.—IN RE UNITED STATES TRUST CO. OF NEW YORK, 102 N. Y. SUPP. 271.—*Held,* that a trust created by a father by his depositing money in a bank in his name, in trust for a son, terminates *ipso facto* on the son's death in the life-time of the father, and thereafter the fund remains the property of the father unimpressed by any trust. Ingraham, J., *dissenting.*

The deposit of funds in a bank in the name of the depositor in trust for another does not thereby create an irrevocable trust. *Matter of Totten,* 179 N. Y. 112; *Clark v. Clark,* 108 Mass. 522. And unless there is some evidence of an intention of so doing, *Ray v. Simmons,* 11 R. I. 266; *Estate of Smith,* 144 Pa. St. 428, the title to the funds remains in the depositor. *Cleveland v. Hampdon Savings Bank,* 182 Mass. 110. Even in those jurisdictions that hold that where the depositor dies before the beneficiary, leaving the trust open and unexplained, the latter is entitled to the deposit, *Martin v. Funk,* 75 N. Y. 134; *Conn. River Savings Bank v. Albee,* 64 Vt. 571, it would seem

that the beneficiary, having no interest in the fund previous to the depositor's death, *Cunningham v. Davenport,* 147 N. Y. 43, would have no interest or title to pass to his personal representatives if he died during the life-time of the depositor. *Peoples Savings Bank v. Wells,* 21 R. I. 218.

TRUSTS—RESULTING TRUST.—ATLANTIC CITY R. Co. v. JOHANSON, 65 ATL. 719 (N. J. Ch.).—*Held,* that where defendant street railroad in ejectment purchased the land by parol from the predecessor in title of plaintiff, and paid the consideration and entered into possession, a subsequent purchase of the land from the record owner by plaintiff is with notice, and constitutes the subsequent purchaser a trustee for the benefit of the prior purchaser.

A resulting trust arises by implication of law and not from contract. *Potter v. Clapp,* 203 Ill. 592, and the Statute of Frauds is not applicable. *Lynch v. Herrig,* 32 Mont. 267. So an equitable estate exists in the purchaser of lands where the contract has been fully performed by the parties except as to the delivery of the deed. *Young v. Young,* 45 N. J. Eq. 27. Whatever is sufficient to put a reasonably careful man upon inquiry is notice, *Abell v. Brown,* 55 Md. 222; *e. g.,* possession of the land by one who is not the record owner. *Ferrin v. Errol,* 59 N. H. 234. Therefore, if one purchases from a trustee, with knowledge, actual or constructive, he himself becomes the trustee of the property. *Sadler's Appeal,* 87 Pa. 154. The vendor of an estate who has received the purchase money, but retains the legal title, being a mere trustee for his vendee, *Waddington v. Banks,* 1 Brock. 97, when a vendee is in the occupation of land which the vendor afterwards sells to another to whom he transfers the evidence of legal title, the subsequent purchaser is charged with notice, and will be considered as holding the legal title as a trustee for the first vendee. *Scroggins v. McDougall,* 8 Ala. 382.

VENUE—DISQUALIFICATION OF JUDGE—PERSONAL INTEREST.—BRITTAIN V. MONROE COUNTY, 63 ATL. REP. 1076 (PA.).—*Held,* that in an action against a county, the plea that the presiding judge is a property owner and taxpayer of the county, does not make him "personally interested" so as to require a change of venue.

The rule generally prevails to the effect that the "interest" of a judge, constituting a reason for changing the venue, must be pecuniary, *Hungerford v. Cushing,* 2 Wis. 397; *State v. Winget,* 37 Ohio St. 153; and he is within that rule when he is related to either litigant, or interested in a litigated case, *De La Guerra v. Burton,* 23 Cal. 592; *In re White's Estate,* 37 Cal. 190. But this rule has been held almost universally among the states as not applying to a judge sitting in the trial of a cause against a county of which he is an inhabitant, *Justices of Burlington County v. Fennimore,* 1 N. J. Law. 190; and the same to a town, city or state, *Kilbourn v. State,* 9 Conn. 560; *Commonwealth v. Emery,* 65 Mass. 406. Such an objection is not valid because the "interest" is too shadowy, indirect, remote and contingent to be within the rule "that a man cannot be a judge in his own case." *Myer v. San Diego,* 41 L. R. A. 762; *State v. MacDonald,* 26 Minn. 445. But a judge owning taxable property in a city against which proceedings are brought to annul the corporation and remove its officers, is disqualified to try the cause, *State v. City of Cisco,* (*Civ. App.*) 33 S. W. 244 (Tex.). However, there appears to be but one case to mar the universality of the "interest rule" in its application to a judge's disqualification by reason